

## R E M A R K S

The two independent claims (1 and 33) have been amended to define further and more fully certain novel and distinguishing features of the invention, including recitals heretofore set forth in dependent claim 5, which has accordingly been cancelled, and to delete other recitals believed unnecessary to define applicants' invention. Since this Amendment does not increase either the total number of claims or the number of independent claims, no additional fee is necessary.

Claims 1 (independent; amended), 2 - 4, 6 - 10, 12 - 14, 17 - 25, 27 - 32 (directly or indirectly dependent on 1), 33 (independent; amended) and 34 - 38 (dependent on 33), all directed to an optical information recording medium, are in the application. No claim has been allowed.

In the aforementioned Office Action, claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over each of the following combinations of references:

- (1) Yamada et al. EP 1058249 (Yamada et al. EP '249) in view of Ando et al. '543 and Hisotomi et al. WO 99/38168 (Hisotomi et al. WO '168).
- (2) either of (Yamada et al. '025 or Yamada et al. EP '249) in view of Yamada et al. '025, Ando et al. '543 or Hisotomi et al. WO '168, further in view of Nonaka et al. EP 1001415 (Nonaka et al. EP '415).
- (3) Yamada et al. JP 2000-079761 (Yamada et al. JP '761) in view of Nonaka et al. EP '415 combined with any of Yamada et al. '025, Ando et al. '543 or Hisotomi et al. WO '168.

(4) Nobukuni et al. EP 1056077 (Nobukuni et al. EP '077) in view of Nonaka et al. EP '415 combined with any of Yamada et al. '025, Ando et al. '543 or Hisatomi et al. WO '168.

Applicants' original claim 5 defined a track pitch of the guide groove as being between 0.2 and 1.4  $\mu\text{m}$ , and defined the uppermost recrystallization linear velocity V as being between 6 and 24 m/s. In the cited references applied in the aforementioned rejections of claim 5, the maximum recrystallization linear velocity V is only 9.9 m/s, which is disclosed in the 8<sup>th</sup> embodiment in Yamada et al. EP '249 (the Abstract gives a range of 5.0-10.0 m/s). No other reference is even asserted to disclose an uppermost recrystallization linear velocity as high as 6 m/s (Table 2 of Yamada et al. '025 gives a maximum value of 4.8 m/s); nor are any of the references, whether taken separately or together, seen to suggest or make obvious any modification of their teachings such as to increase the uppermost recrystallization linear velocity above the maximum values they describe.

On the other hand, applicants' specification discloses that if recording is to be performed at higher speed, such as, for example, CD sixteen-times speed (i.e. 19.2 m/s), CD twenty-times speed, or CD twenty-four times speed, the dislocation linear velocity (i.e., the uppermost recrystallization linear velocity) should respectively be 12, 16, or 19 m/s or above (see p. 47, line 24 - p. 48, line 4).

By the present Amendment, independent claims 1 and 33 have been limited by adding thereto a recital that "a track pitch of said guide groove is between 0.2 and 1.4  $\mu\text{m}$ , and the uppermost recrystallization linear velocity V is between 12 and 24 m/s." These recitals are supported by original claim 5 and by the cited passage at pp. 47-48 of the specification. As stated, the features

they set forth are neither disclosed nor suggested anywhere in the cited references. In particular, the lower limit of the range of uppermost recrystallization linear velocity range (12 m/s) is very substantially higher than the maximum value found in the cited art.

It is therefore submitted that the optical information recording medium defined by the amended independent claims, including these limitations, is not obvious from the cited prior art; and that the added limitations distinguish amended claims 1 and 33 (as well as the other claims, all of which are dependent on either claim 1 or claim 33) clearly and patentably over the references applied in the above-listed grounds of rejection (1) - (4), however combined.

For the foregoing reasons, it is believed that this application is now in condition for allowance. Favorable action thereon is accordingly courteously requested.

Respectfully,

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

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